

REMARKS

The above amendments and these remarks are responsive to the first Office action after filing of the RCE on May 19, 2006, in which the Examiner:

- (a) stated that Claims 1-16 are allowable;
- (b) objected to the specification for informalities; and
- (c) rejected claim 17 under 35 U.S.C. § 112, first paragraph.

Applicant wishes to thank the Examiner for acknowledging the allowability of claims 1-16. With respect to the various objections and rejections, applicant respectfully disagrees, but has amended the application so that any issues should now be overcome. In view of these amendments, and the remarks below, applicant requests reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

The Specification

The Examiner objected to the specification as not including a Summary section, and by this amendment, Applicants have again added the Summary section to the specification and have specified the location at which the Summary section should be inserted.

The Examiner also objected to the specification as failing to provide proper antecedent basis for the subject matter recited in claim 7. Specifically, the Examiner indicated that the specification does not provide a proper antecedent basis for the feature related to the passage of transmitted light through the openings of the X-axis, Y-axis and Z-axis plates as recited in claim 7. To address this objection, the paragraph beginning on page 4, line 5 of the specification has been amended to recite that "each

of the components, such as bottom plate 36, X-axis plate 22, Y-axis plate 24, Z-axis plate 28 and stage insert 30 are open in their internal regions; **these internal openings allow for the passage of transmitted light** and viewing of the sample carried on the slide or other holder 33 by the below-mounted objective lens.” As discussed in Applicants’ prior response dated May 22, 2006, the subject matter currently added to the paragraph is clearly shown in the figures, such as in Figs. 3 and 4. As shown in Fig. 3, an objective lens is shown at 12, oriented for viewing along the dashed line extending vertically upwardly therefrom, through the apertures provided X, Y, and Z plates.

Claim Rejections under 35 U.S.C. § 112

The Examiner rejected claim 17 under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. Claim 17 recited:

The method of claim 7, further comprising the steps of: removing the sample from the Z-axis plate;

mounting a second sample on the Z-axis plate; and

rectilinearly translating the Z-axis plate along the Z-axis for bringing the second sample into focus.

The Examiner stated that claim 17 “contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the invention,” because the specification, as originally filed, “does not disclose the step of removing the sample from the z-axis plate, and the step of mounting a second sample on the Z-axis plate and rectilinearly translating the Z-axis plate carrying the second sample to focus.”

Applicants respectfully disagree, because the specification describes a general process for mounting samples onto the Z-axis plate, and one of skill in the art would

reasonably believe that a description of the general process for mounting samples reasonably conveys possession of methods that include mounting either a single sample or multiple consecutive samples. However, in order to expedite issuance of the present application, Applicants have cancelled claim 17. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112 be withdrawn.

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, Applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

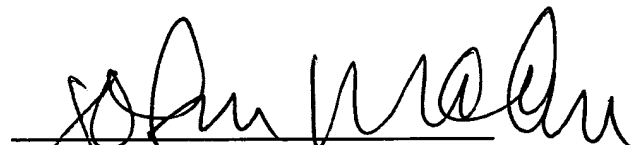
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on November 17, 2006.


Heidi Dutro

Respectfully submitted,

KOLISCH HARTWELL, P.C.


John M. McCormack
Registration No. 26,948
Customer No. 23581
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679
Attorney for Applicant/Assignee